IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 25665 of 2007(E)

PETITIONER:

NEETHU SOMAN PILLAI,
SOMADHARA HOUSE, CHINGAVANAM P.O.,KOTTAYAM-686 531

BY ADV. SRI.PHILIP T.VARGHESE

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY PRINCIPAL SECRETARY,
   HIGHER EDUCATION DEPARTMENT, GOVERNMENT OF KERALA,
   THIRUVANANTHAPURAM.

2. **THE COMMISSIONER FOR ENTRANCE**
   EXAMINATIONS, VTH FLOOR, HOUSING BOARD BUILDINGS,
   SANTHI NAGAR, THIRUVANANTHAPURAM-695 001.

3. **MEDICAL EXPERT COMMITTEE FOR ADMISSION**
   TO PROFESSIONAL DEGREE COURSES 2007, REPRESENTED
   BY ITS CHAIRMAN, THE COMMISSIONER FOR ENTRANCE
   EXAMINATIONS, VTH FLOOR, HOUSING BOARD BUILDINGS,
   SANTHI NAGAR, THIRUVANANTHAPURAM-695 001.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 25665 OF 2007 E
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Dated this the 6th September, 2007

J U D G M E N T

The petitioner is an applicant for M.B.B.S. course. Being a physically disabled candidate she had applied in the seats reserved for that category. In terms of the provisions of the prospectus, she had appeared before the committee of Medical Experts on 6-7-2007 and the medical inspection report is Ext. P2 which says that she was suffering from Glycogen Storage disease. Though the disease as such is mentioned only by the specialist of General Medicine, the other specialists who were also there in the Committee have concurred in the conclusion that she was ineligible for admission to the medical course. According to the petitioner, what she is suffering from is Gauchers disease which is mentioned in Ext. P2 and that the said disease is different from Glycogen Storage disease mentioned in Ext. P4. Referring to the Mosby's Medical Dictionary, counsel for the petitioner contended for this position. At the same time this argument was

sought to be contradicted by the learned Govt. Pleader referring Dolland's Illustrated Medical Dictionary.

2. In view of the divergent contentions raised and this case involves the future of a bright and ambitious student, I think it is necessary that an expert should examine the petitioner once again in order to give a quietus to the dispute. This is all the more so for the reason that, though in the last year's selection, the petitioner had appeared before the Committee, she was not declared ineligible. Further this Court lacks the expertise to decide a dispute of this nature.

3. The prospectus itself provides that the medical expert committee will refer doubtful cases to the State Medical Board and that the report of the said Board will be final. In view of the controversy arising in this writ petition I order that the eligibility of the petitioner for admission to medical course shall be examined by the State Medical Board as provided in the prospectus.

4. Since the admissions are at an advanced stage the learned Govt. Pleader submits that this judgment should not upset the schedule that is already fixed.

Accordingly, as suggested by the learned Govt. Pleader I direct that the petitioner shall report before the Director of Health Services, Thiruvananthapuram, on 14-9-2007 at 11 a.m. and thereupon the Director of Health Services shall arrange for the examination of the petitioner by the State Medical Board.

5. In the meanwhile, if going by the rank secured by the petitioner, she is otherwise eligible to be admitted for the medical course I order that one seat for M.B.B.S. course shall be kept unfilled and that the same shall be filled up only after the State Medical Board examination of the petitioner is over. If the petitioner is found to be eligible by the State Medical Board, the petitioner's case shall be considered for filling up the said seat.

With these directions, the writ petition is disposed of.

ANTONY DOMINIC
JUDGE

jan/-